IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 10498 of 2004

Between:

Dr. Brijlal Narania, S/o. Sri Hari Ram Narania,
R/o. 4-2-399, Opposite Royal Plaza Complex,
Sultan Bazar, Hyderabad.

..... PETITIONER

AND

1 The Ombudsman, Reserve Bank of India Building,
Saifabad,Hyderabad.
2 The Reserve Bank of India, Urban Banks Department
Rep. by Deputy General Manager, HYderabad - 500 004.
3 The Chairman, A.P. Mahesh Cooperative Urban Bank Limited,
Head Office N.S. Road, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the order dated 22-5-2004 passed by the 1st Respondent in Complaint No. 380 of 03-04 as illegal, arbitrary and contrary to the principles of natural justice and in violation of the rule 13, (b) (i) (iii) & (c) of ombudsman scheme and the same may be set aside and consequently direction may be given to the 3rd respondent to consider the representation dated 30-1-2004 submitted by the Petitioner under OTS scheme by following the guidelines issued by the REserve Bank of India in Rc.No. 348/2002 UB-1 dt. 15-4-2003 in the interest of justice.

Counsel for the Petitioner:MR.K.K.WAGHRAY

Counsel for the Respondents 1 and 2 : MR.K.SRINIVASA MURTHY

Counsel for the Respondent No.3 : Mr. M.N. Bung.

The Court made the following :

ORDER:

Heard both the learned Counsel and at their request the main Writ Petition itself is taken up for disposal at the interlocutory stage.

The petitioner, who is a borrower, filed this Writ Petition seeking Writ of Mandamus, challenging the impugned order dated 22-05-2004, inter alia, on various grounds. However, the main contention urged in this Writ Petition is that the petitioner is not being given the benefit under the One Time Settlement Scheme as contemplated by the Bank by placing reliance on certain guidelines issued by the Reserve Bank of India in RC No.348/2002 UB-1, dated 15-04-2003.

Admittedly, the petitioner has filed an Appeal before the Co.operative Tribunal, Hyderabad in C.T.A.No.145 of 2003 and the same is still pending. Having regard to the same, it is not necessary to go into any of the merits involved herein.

In the Circumstances, the Writ Petition is, accordingly, disposed of directing the Co.operative Tribunal, Hyderabad, to dispose of the said Appeal within a period of three months from the date of the receipt of a copy of this order, after giving an opportunity to the petitioner and after taking into consideration all the pleas urged by the petitioner, including as to the entitlement of the petitioner under the scheme vis-à-vis the guidelines issued by the Reserve Bank of India on 15-04-2003 and pass orders in accordance with law.

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B.PRAKASH RAO, J.

Dated 23-07-2004.

Note: Issue C.C. in one week.

B/O

SKMR

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To

1 The Ombudsman, Reserve Bank of India Building,
Saifabad,Hyderabad.
2 The Reserve Bank of India, Urban Banks Department
Rep. by Deputy General Manager, HYderabad - 500 004.
3 The Chairman, A.P. Mahesh Cooperative Urban Bank Limited,
Head Office N.S. Road, Hyderabad.

4. The Registrar, A.P. Co-operative Tribunal, Hyderabad.

5. 2 CD copies.